

Kodiak
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THE CHARTER OF THE CITY OF KODIAK, ALASKA

**Adopted by the Charter Commission
February 9, 1965**

**Ratified by the People of Kodiak
March 16, 1965**

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PREAMBLE

We, the people of the City of Kodiak, exercising the powers of home rule granted to us by the constitution and laws of the State of Alaska, in order to provide for more efficient, adequate, and economical government, do hereby ordain, ratify, and establish this Charter of the City of Kodiak, Alaska.

ARTICLE I

INCORPORATION, FORM OF GOVERNMENT, POWERS, INTERPRETATION

Section

- 1 **Incorporation**
- 2 **Boundaries**
- 3 **Government**
- 4 **Powers of the city**
- 5 **Applicability of state law**
- 6 **Interpretations--definitions**

Section 1 Incorporation. The City of Kodiak, Alaska shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Kodiak, Alaska." It shall succeed to and possess all the property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the City of Kodiak, Alaska; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Section 2 Boundaries. The boundaries of the City as they exist at the time this charter goes into effect, shall remain the boundaries of the City until they are changed in a manner authorized by the state constitution and/or law.

Section 3 Government. The municipal government provided by this charter shall be known as the "Council-Manager Government." All powers of the City shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the council may prescribe by ordinance.

Section 4 Powers of the city. The City of Kodiak, Alaska, shall have all the powers, functions, rights, privileges, franchises, and immunities of every name and nature whatever which a home-rule city may have under the constitution and laws of the State of Alaska. The City may exercise all legislative powers not prohibited by law or by this charter.

The enumeration or mention of particular powers by this charter shall not be deemed to be exclusive or limiting; and in addition to the powers enumerated or mentioned herein or implied hereby the City shall have all powers which, under the state constitution and law, it would be competent for this charter specifically to enumerate or mention.

Section 5 Applicability of state law. Provision of state law relating to matters which may be regulated by home-rule cities, shall be in effect in this City only insofar as they are applicable and are not superseded by this charter or by ordinance.

Section 6 Interpretations--definitions. Except as otherwise clearly indicated by the context:

(1) The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter.

(2) Words indicating the present tense are not limited to the time of adoption of this charter, but may extend to and include the time when an event or requirement occurs to which any provision is applied.

(3) "Capital Improvement" means a public improvement of a permanent nature, and may include land and equipment necessary for the functioning of a building or other capital improvement.

(4) "City" means the City of Kodiak, Alaska.

(5) "Council" means the city council of the City of Kodiak. "All its members" or "all Councilmembers" means the total number of councilmembers provided for in this charter, without regard to vacancies or absences.

(6) "Law" denotes applicable federal law, the constitution and statutes of Alaska, and applicable common law.

(7) "Local Improvement" means public improvement specifically beneficial to the property affected, and also includes the abatement of such unsafe, unhealthful, or unsanitary conditions as the council shall determine to be a public nuisance.

(8) "Ordinance" means a law of the City; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(9) "Person" extends and applies to an association, firm, corporation, governmental agency and unit of government as well as to an individual.

(10) "Public Improvement" means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, harbor facilities, and any other real property or appurtenances thereof of the City used by the public.

(11) "Public Utility" includes all common carriers in the public streets, water, sewage disposal, electric light, central heating, gas, electric power, telephone and telegraph lines and systems, and such other and different enterprises as the law or the council may determine.

(12) "Publish", "published", or "publication" includes the setting forth of any matter for public notice at least once in one or more newspapers of the City qualified by law for the publication of notices, or posting in at least five conspicuous public places in the City. In all such cases of publication by posting, the city clerk shall provide a copy of the ordinance, notice, or document posted on request from any person, without charge, at any time within two months after posting.

ARTICLE II

THE COUNCIL

Section

- 1 Councilmembers--number, qualification
- 2 Mayor and deputy mayor
- 3 Compensation
- 4 Powers
- 5 Council not to interfere in appointments and removals, etc.
- 6 City clerk
- 7 Meetings
- 8 Absences to terminate membership
- 9 Councilmembers--removal
- 10 Vacancies
- 11 Quorum, rules, yeas and nays, voting
- 12 Ordinances--enacting clause
- 13 Ordinances--passage, when in effect
- 14 Ordinances--emergency
- 15 Ordinances--adoption by reference
- 16 Ordinances--codification

Section 1 Councilmembers--number, qualification. There shall be a council of six members. Only persons who, at the time of their election or choice to fill a vacancy, are at least twenty one (21) years old and have resided within the City at least two (2) years and in the State for three (3) years, or in the case of a newly annexed area, within either the City or the newly annexed area, for two (2) years and in the State for three (3) years, shall be qualified for the office of councilmember. No councilmember may hold another office or position with compensation in the city government. If any councilmember ceases to be a resident of the City, that councilmember shall thereupon cease to hold office. (Resolution Number 11-68, July 13, 1968; election held September 13, 1968; passage ratified September 16, 1968)

Section 2 Mayor and deputy mayor. There shall be a mayor who shall have all the qualifications of a councilmember, and, in addition, must be at least thirty (30) years of age at the time of his election or choice to fill a vacancy. The mayor shall preside at meetings of the council, and shall certify the passage of all ordinances and resolutions passed by it. The mayor shall have no regular administrative duties, except that the mayor shall sign such written obligations of the City as the council may require. If a vacancy occurs in the office of mayor, the council shall elect a

qualified person, who may or may not be a councilmember at the time, to be mayor for completion of the unexpired term or until the vacancy is filled by election. If a councilmember is elected mayor, the councilmember's office shall be vacated upon taking office as mayor, and then be filled as prescribed elsewhere by this charter.

Not sooner than thirty (30) days nor more than sixty (60) days from the beginning of the terms of newly elected councilmembers, the council shall elect one of its members deputy mayor, who shall serve as such until the next such first meeting. The deputy mayor shall act as mayor during the absence or disability of the mayor or, if a vacancy occurs in the office of mayor, until another mayor is elected by the council and qualifies. If the office of deputy mayor becomes vacant, the council shall elect from its members another deputy mayor for the completion of the unexpired term. The deputy mayor, when acting as mayor, shall continue to have a vote as councilmember; but the deputy mayor shall not have veto power.

Should both mayor and deputy mayor be absent from a council meeting, a temporary mayor shall be appointed by the council to serve during such absence.

Section 3 Compensation. The compensation of the mayor and councilmembers shall be determined by a non-emergency or initiated ordinance; but no increase in the compensation, except when made by ordinance enacted by the qualified voters by initiative, shall become effective until after a regular city election has been held. The mayor and councilmembers shall not receive any other compensation for any personal service rendered the City, but may be reimbursed for expenses incurred in the discharge of their official duties. (Ord. 694, 1984; election held October 2, 1984; passage ratified October 10, 1984)

Section 4 Powers. Except as otherwise provided in this charter, all powers of the City, including the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have the power:

- (1) To appoint and remove the city manager as provided in this charter;
- (2) By ordinance to enact legislation relating to any or all subjects and matters not prohibited by the state constitution or by law or by this charter;
- (3) To adopt the budget, raise revenue and make appropriations, and regulate salaries and wages, and all other fiscal affairs of the City;
- (4) To inquire into the conduct of any office, department, or agency of the City, and investigate municipal affairs;
- (5) To appoint or elect and remove its own subordinates, personnel in the department of law, the members of the personnel board, and other quasi-legislative, quasi-judicial, or advisory officers and authorities, or prescribe the method of appointment or electing and removing them; and
- (6) To create, change, and abolish all offices, departments, and agencies of the city government other than the offices, departments, and agencies created by this charter;

and to assign additional powers, duties, and functions to offices, departments, and agencies created by this charter.

Section 5 Council not to interfere in appointments and removals, etc. Neither the council, any councilmember, nor the mayor, may participate in any manner, except as provided in this charter, in the appointment or removal of officers and employees of the City. Except for the purpose of inquiry, the council and the mayor shall deal with the administrative service solely through the city manager.

Section 6 City clerk. There shall be a city clerk, who shall be an official of the City appointed by the council for an indefinite term.

The city clerk shall serve as clerical officer of the council. The clerk shall keep the journal of the proceedings of the council, and shall enroll in a book or books kept for the purpose, all ordinances and resolutions passed by it. The clerk shall be custodian of such documents, records, and archives as may be provided by law or ordinance; shall be custodian of the seal of the City, and shall attest, and affix the seal to documents when required in accordance with this charter, law, or ordinance; shall keep a correct and up-to-date record of the city boundaries and changes therein; and shall supervise municipal elections and such other elections as may be required by law or ordinance, including voter registration and records; provided that the council, by ordinance, may vest the supervision of elections in a board.

Section 7 Meetings. The council shall hold at least one regular meeting every month at such time and place as it may prescribe by ordinance, resolution, or rule of the council. Special meetings may be called by the mayor or by the city manager upon the request of two or more members of the council. All meetings of the council shall be open to the public, and the journal of its proceedings shall be open to public inspection; but committees of the council, including the committee of the whole, may hold private meetings. All actions of the council shall be taken at public meetings. (Ord. 990 §2, 1994; election held October 4, 1994; ratified October 13, 1994.)

Section 8 Absences to terminate membership. If the mayor or any member of the council shall be absent from four consecutive regular meetings of the council, the council may declare the office vacant; and the office shall be automatically vacated if the mayor or councilmember is absent from more than one-half of all regular meetings held within any six-month period.

Section 9 Removal. The mayor or any councilmember may be removed from office

by recall as provided by this charter or in accordance with procedures and standards in any ordinance passed by the council; provided, however, that no such person shall be removed from office for a cause or offense other than one which would authorize removal of an equivalent official in a non-home rule city. (Ord. 801, 1986; election held October 7, 1986; passage ratified October 14, 1986)

Section 10 Vacancies. The council shall fill vacancies in its own membership, and in the office of mayor for the unexpired terms or until the vacancies are filled at elections as provided herein; provided that, if the number of vacancies is such that the council no longer has enough members to constitute a quorum, then the mayor or the remaining councilmembers shall call a special election to fill the vacancies.

If a vacancy occurs before the beginning of a regular filing period for candidates for councilmembers, and the unexpired term extends beyond the time when the terms of councilmembers elected that year begin, then a mayor or councilmember for that place shall be elected at the regular election of that year to serve the rest of the unexpired term beginning at the time the terms of councilmembers elected that year begin.

Section 11 Quorum, rules, yeas and nays, voting. A majority of all of the members of the council shall constitute a quorum but a smaller number may adjourn from day to day or from time to time. The council shall determine its own rules. On the demand of any member, the vote on any question shall be by yeas and nays, and shall be entered in the journal; provided that the council, by rules or ordinances, may require the vote on any or all questions to be by yeas and nays. A vote of at least a majority of all the councilmembers shall be required for the adoption of every motion. The mayor shall vote in case of a tie. All members in attendance shall vote on all questions, except no member shall vote on any proposed action of the council in the subject matter of which the councilmember has a direct or indirect pecuniary interest.

Section 12 Ordinances—enacting clauses. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the Council of the City of Kodiak, Alaska," and of all ordinances proposed by the voters under their power of initiative, "Be it ordained by the People of the City of Kodiak, Alaska."

Section 13 Ordinances—passage, when in effect. A proposed ordinance shall be read, and a vote of a majority of all councilmembers present shall be required for advancing to second reading. Before a vote on final passage, a proposed ordinance shall be read by title or in full, and a vote of a majority of all the councilmembers shall be required for its final passage.

The mayor shall have the power to veto ordinances and resolutions passed by the council; provided that such power is exercised at the meeting of the council at which the ordinance or resolution is finally passed. The mayor shall advise the council in writing no later than the beginning of the next regular meeting of the reasons for vetoing an ordinance or resolution. The council may finally pass an ordinance or resolution over the veto of the mayor at such meeting, whether or not the mayor submits reasons for veto. An affirmative vote of five members of the council shall be required to pass an ordinance or resolution which has been vetoed by the mayor, and the vote shall be by yeas and nays and shall be entered in the journal.

No ordinance except an emergency ordinance may be finally passed on the same day that it is introduced. Within ten days after its final passage without a veto or final passage over the veto of the mayor, as the case may be, every ordinance shall be published in full or by number and title with a brief summary. Emergency ordinances and ordinances making, repealing, transferring, or otherwise changing appropriations, shall go into effect immediately upon such final passage unless they specify a later time. All other ordinances shall go into effect one month after such final passage and publication unless they specify a later date.

Section 14 Ordinances--emergency. An emergency ordinance is an ordinance which, in the judgment of the council, is necessary for the immediate preservation of the public peace, health, or safety, and which should become effective before an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least five members of the council shall be required for the final passage of an emergency ordinance.

Section 15 Adoption by reference. The council, by ordinance, may adopt by reference codes, ordinances, standards, and regulations relating to matters which it has power to regulate otherwise. Such code, ordinance, standard, or regulation so adopted need not be enrolled in the book of ordinances; but a copy shall be filed and kept in the office of the city clerk. The city clerk shall keep copies of all such codes, ordinances, standards, and regulations in force for distribution or sale at their approximate cost.

Section 16 Ordinances--codification. The ordinances of the City shall be codified and published in book or pamphlet form at least every ten years unless the council, by use of a loose-leaf system, provides for keeping the code up to date. Titles, enacting clauses, and emergency sections may be omitted from the code; and temporary and special ordinances and parts of ordinances may be omitted. Permanent general ordi-

nances and parts of ordinances which are repealed by the code shall be omitted from the code. The ordinances and parts of ordinances included in the code may be revised, rearranged, and reorganized; and the code may contain new matter, provisions of the state constitution and law applicable to the City and this charter. The council, by non-emergency ordinance, shall adopt the code. A copy of the code shall be filed and kept in the office of the city clerk after adoption, but the code need not be enrolled in the book of ordinances.

ARTICLE III

CITY MANAGER AND ADMINISTRATIVE DEPARTMENT

Section

- 1 City manager--appointment, term, qualifications, removal
- 2 City manager--powers and duties
- 3 Finance department--director, duties

Section 1 City manager--appointment, term, qualifications, removal. There shall be a city manager. The council shall appoint the manager for an indefinite term by a vote of a majority of all its members. The manager shall be chosen solely on the basis of executive and administrative qualifications. At the time of appointment, the manager need not be a resident of the City or State; but, during the tenure of office, the manager shall reside within the City. Neither the mayor nor any councilmember may be appointed city manager during the term for which they shall have been elected. The council may suspend or remove the city manager at any time by a vote of a majority of all its members.

Section 2 City manager--powers and duties. The city manager shall be chief administrative officer and head of the administrative branch of the city government. The manager shall execute the laws and ordinances and administer the government of the City, and shall be responsible therefor to the council. The manager shall:

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote, or remove all directors or heads of administrative departments and all other administrative officers and employees of the City except personnel in the department of law; provided that the city manager or the council, by ordinance, may delegate this power and duty to directors or heads of departments and other administrative officers and agencies as regards their own subordinates;

(2) Supervise and control all administrative departments, agencies, officers, and employees appointed by the manager or by agencies and officers subordinate to the manager;

(3) Prepare a budget annually and submit it to the council, be responsible for the administration of the budget after it goes into effect, and recommend to the council any changes in the budget which the manager deems desirable;

(4) Submit to the council a report as of the end of the fiscal year on the finances and administrative activities of the City for the preceding year;

(5) Keep the council advised of the financial condition and future needs of the City, and make recommendations on policy and other matters; and

(6) Have such other powers, duties, and functions as this charter may prescribe, and such powers, duties, and functions consistent with this charter as the council may prescribe.

Section 3 Finance department--director, duties. There shall be a finance director or treasurer, who may also be city clerk, and who shall be an officer of the City appointed by the city manager for an indefinite term, and who shall be director or head of the finance department. Except as the council provides otherwise by ordinance, the finance director shall collect or receive revenue and other money for the City, shall be responsible for its custody, safekeeping, deposit, investment, and disbursement, in accordance with this charter and the ordinances of the City and shall maintain a general accounting system for the city government. When reference is made by law or otherwise to city treasurer, it shall mean the finance director unless the council, by ordinance, creates a separate office of city treasurer within the finance department.

ARTICLE IV

OFFICERS AND EMPLOYEES

Section

- 1 Appointments, removals, etc.--merit system
- 2 Personnel board created
- 3 Repealed
- 4 Qualifications of officers and employees
- 5 Nepotism, holding more than one position
- 6 Official bonds
- 7 Oath or affirmation of office
- 8 Who may administer oaths and affirmations
- 9 Removal, etc. of officers and employees
- 10 Acting officers and employees
- 11 Officers to continue until successors are elected or appointed and qualify
- 12 Public records--open

Section 1 Appointments, removals, etc.--merit system. A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the City shall be made solely on the basis of merit and fitness. Removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council, consistent with this charter, by ordinance or personnel rules, may regulate personnel matters (including any examinations to be given to applicants) and provide for proper personnel administration.

Section 2 Personnel board created. The city council shall appoint a personnel board. A member of the personnel board may not hold any other office or position in the city government. The city council shall by ordinance establish the composition of the personnel board and set forth its duties. (Ord. 929, March 28, 1992; election held October 6, 1992; amendment ratified October 13, 1992: Ord. 449, August 14, 1975; election held October 7, 1975; passage ratified October 13, 1975)

Section 3 Duties of personnel board. Repealed by Ord. 929, effective March 28, 1992; election held October 6, 1992; repeal ratified October 13, 1992.

Section 4 Qualifications of officers and employees. Officers and employees of

the City shall have the qualifications prescribed by this charter and such additional qualifications as the council may prescribe; but the council shall not prescribe additional qualifications for the mayor and councilmembers.

Section 5 Nepotism, holding more than one office or position. Except when chosen upon basis of competitive examination, neither the city manager, the council, nor any other authority of the city government may appoint or elect any person related to the mayor or any councilmember, to the city manager, or the person appointing, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree to any office or position of profit in the city government; but this shall not prohibit an officer or employee from continuing in the service of the City.

Except as may be otherwise provided by this charter or by ordinance, the same person may hold more than one office or position in the city government. The city manager may hold more than one such office or position, through appointment by the manager, by the council, or by other city authority having power to fill the particular office or position, subject to any regulations which the council may make by ordinance; but the manager may not receive compensation for service in such other offices and positions. Also, the council, by ordinance, may provide that the city manager shall hold ex officio any designated administrative office or offices subordinate to the city manager as well as other designated compatible city offices notwithstanding any other provision of this charter.

Section 6 Official bonds. The city manager, the finance director, the city treasurer if separate from the finance director, and such other officers and employees as the council may designate, before entering upon their duties, shall be bonded by individual and/or group bonds, for the faithful performance of their respective duties, payable to the City in such form and in such amounts as the council may prescribe, with surety company authorized to operate within the State. The City shall pay the premiums on such bonds.

Section 7 Oath or affirmation of office. All officers of the City and such employees as the council may designate, before entering upon the duties of their offices, shall take and subscribe to the oath or affirmation of office prescribed by the Alaska constitution, article XII, section 5. The oath or affirmation shall be filed and kept in the city clerk's office.

Section 8 Who may administer oaths and affirmations. All officers authorized by federal and state law, the mayor, the city clerk, the chairman of the personnel board, and such other officers as the council may authorize, may administer oaths and

affirmations.

Section 9 Removal, etc., of officers and employees. The power to lay off, suspend, demote, and remove officers and employees accompanies the power to appoint or elect them.

Section 10 Acting officers and employees. The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability, or suspension of such officer or employee or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by ordinance that a particular superior or subordinate of such officer or employee shall act.

Section 11 Officers to continue until successors are elected or appointed and qualify. Every officer who is elected or appointed for a term ending at a definite time shall continue to serve there-after until a successor is elected or appointed and qualifies unless the successor's services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 12 Public records--open. All records and accounts of every office, department, or agency of the city government, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, shall be open to public inspection.

ARTICLE V

BUDGET, TAXATION, AND FISCAL AFFAIRS

Section

- 1 Fiscal year
- 2 Budget--preparation and submission
- 3 Budget--public hearing
- 4 Budget--amendment, adoption, and appropriations
- 5 Budget--funds other than the general fund
- 6 Transfer of appropriation balances
- 7 Taxation--powers
- 8 Taxation--assessment, levy, and collection of property taxes--exemptions
- 9 Taxation--private leaseholds, etc., in property owned or held by the United States, the State, or its political subdivisions
- 10 Taxation--assessment--equalization
- 11 Taxation--lien on real property
- 12 Taxation--protection of lien on real property
- 13 Taxation--protection of lien on personal property
- 14 Disbursements--authority--method
- 15 Deposit and investment of funds
- 16 Purchases and sales
- 17 Contracts and sales
- 18 Public improvements
- 19 Personal interest
- 20 Repealed
- 21 Independent annual audit

Section 1 Fiscal year. The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June, unless otherwise provided by ordinance.

Section 2 Budget--preparation and submission. At least three weeks before the beginning of the fiscal year, the city manager shall prepare and submit to the council a proposed budget for the next fiscal year which shall contain detailed estimates of anticipated revenues and proposed expenditures for the year. The total of such proposed expenditures shall not exceed the total of such anticipated revenues. The budget shall be in such form and have such contents as the council may require. The budget and any budget message accompanying it shall be a public record in the office of the city clerk, and shall be open to public inspection. Sufficient copies of the budget and any budget message shall be made for distribution to persons on request.

Section 3 Budget--public hearing. The council shall hold a public hearing on the proposed budget at least one week after a notice of the time of the hearing has been published; and any interested person shall have an opportunity to be heard thereat for or against the estimates or any item thereof. The council may continue the hearing at later meetings.

Section 4 Budget--amendment, adoption, and appropriations. The council may insert, strike out, increase, or decrease items in the budget, and may otherwise amend it. The council, by vote of at least a majority of its members, not later than the third day before the beginning of the fiscal year, shall adopt the budget and make the appropriations for the next fiscal year. If the council fails to adopt the budget and make the appropriations on or before that day, the budget, as submitted or amended, as the case may be, shall go into effect and be deemed to have been finally adopted by the council; and the proposed expenditures therein shall become the appropriations for the next fiscal year. The appropriations, when made by the council by resolution or ordinance separate from the budget document, need not be in as great detail as the proposed expenditures in the budget; but appropriations shall never exceed the anticipated revenues in the budget.

Section 5 Budget--funds other than the general fund. The budget herein provided for shall include the general fund, and may also include other funds but in separate estimates. Budgets for other funds which are deemed to require formal budgeting, may also be prepared, considered, and adopted separately from the budget of the general fund.

Section 6 Transfer of appropriation balances. The council, by motion, resolution, or ordinance passed by vote of a majority of all its members, may transfer unencumbered appropriation balances or parts thereof from any item of appropriation to any other item of appropriation, including new items, whether or not such other items are within the same department, office, or agency.

Section 7 Taxation--powers. The City shall have all powers of taxation which home-rule cities may have under the State constitution and law.

Section 8 Taxation--assessment, levy, and collection of property taxes--exemption. The council, by ordinance, shall provide for the annual assessment, levy, and collection of taxes on property. No exemptions from taxation except those expressly provided by law or ordinance shall be allowed.

Section 9 Taxation—private leaseholds, etc., in property owned or held by the United States, the State, or its political subdivisions. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State of Alaska, or its political subdivisions, shall be taxable to the extent of the interests.

Section 10 Taxation—assessment—equalization. The taxable status of property shall be determined as of the first day of January or such other date as may hereafter be prescribed by law or ordinance, which is called the assessment day. Values on the assessment rolls shall be determined according to the facts existing on the assessment day for the year for which the assessment is made, and no change in the status of property after that day shall be considered in determining its value. In determining such values, any standards of appraisal established by law or ordinance shall be followed. The council shall equalize valuations of property assessed; provided that the council, by ordinance, may delegate this power to a board created by ordinance when not prohibited by law.

Section 11 Taxation—lien on real property. The City shall have a first lien on all real property against which city taxes are assessed, for the taxes and any collection charges, penalties, and interest which may accumulate thereto; and the lien shall continue until the taxes and any such charges, penalties, and interest are paid.

Section 12 Taxation—protection of lien on real property. The City may protect its lien for taxes on real property by sale at tax sale or by purchasing the real property at any tax sale or other public sale or by direct negotiations with the owner, or in any other legal manner. Any such procedure shall be deemed to be for a public purpose. When the City has acquired an interest in real property to protect a tax lien thereon the owner of any interest in such real property may redeem the same by paying the delinquent city taxes and all accrued charges, penalties, and interest thereon, as provided by law or ordinance. After the City has held any tax-delinquent real property for two years, it may hold the same for public use or sell it at public auction to the highest bidder; provided that, if the City sells such property before it uses the property for public purposes, other provisions of this charter relating to the sale of property shall not apply to such sales.

Section 13 Taxation—protection of lien on personal property. City taxes on personal property shall be a debt to the City from the persons to whom they are assessed. If any person to whom such taxes are assessed fails or refuses to pay the taxes, such taxes, and accrued charges, penalties, and interest may be collected by a

personal action in the name of the City against the person to whom assessed in a court of competent jurisdiction, or by distraint and sale of any personal property of the person assessed. Neither of the remedies herein given shall be exclusive of the other or of any remedy provided by law.

Section 14 Disbursements—authority—method. Disbursements of city funds shall be made only in accordance with appropriations made as provided in this charter, or, in case of funds which are not formally appropriated, then by authority granted by the council or by the qualified voters of the City. The council shall prescribe the method or methods of disbursing city funds.

Section 15 Deposit and investment of funds. The council shall regulate the deposit and investment of city funds, and shall determine what funds of the City may be invested. City funds may be invested only in the following: general-obligation bonds and other general-obligation evidences of indebtedness of the United States, of the State of Alaska, of other states of the United States, of this City, of other cities of this State, and of boroughs of this State; and such other securities as may be authorized by law.

Section 16 Purchases and sales. The city manager, subject to any regulations which the council may prescribe, shall contract for and purchase or issue purchase authorizations for all supplies, materials, and equipment for the offices, departments, and agencies of the city government. Every such contract or purchase exceeding an amount to be established by ordinance shall require the prior approval of the council. The city manager also may transfer to or between offices, departments, and agencies, or sell surplus or obsolete supplies, materials, and equipment subject to such regulations as the council may prescribe.

Before the purchase of, or contract for, any supplies, materials, or equipment, or the sale of any surplus or obsolete supplies, materials, or equipment, ample opportunity for competitive bidding, under such regulations and with such exceptions as the council may prescribe, shall be given; but the council shall not except a particular contract, purchase, or sale from the requirement of competitive bidding.

The council, by ordinance, may transfer some or all of the power granted to the city manager by this section to an administrative officer appointed by the city manager.

Section 17 Contracts and sales. Any contract which by its terms will not be fully executed within five years and which cannot be terminated by the City upon not more than one month's notice without penalty; and the sale or lease of any city property, real or personal, or the sale or other disposal of any interest therein, the value of

which property, lease, or interest is more than \$30,000, shall be made only:

(1) By authority of an ordinance approved or enacted at an election by an affirmative vote of a majority of the qualified voters of the City who vote on the question of approving or enacting the ordinance (the ordinance being submitted to the voters by the council or by initiative of the voters); or

(2) By authority of a non-emergency ordinance passed by the council, which shall be published in full within ten days after its passage, and which shall include a section reading substantially as follows:

"Section _____. If one or more referendum petitions with signatures are properly filed within one month after the passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no referendum petition with signatures is filed, this ordinance shall go into effect one month after its passage and publication."

An entire public utility belonging to the City may be sold or leased only by authority of an ordinance approved or enacted as provided in subsection one (1) of this section.

Section 18 Public improvements. Public improvements, including local improvements, may be made by the city government itself or by contract. The council shall award all contracts for such improvements; provided that the council may authorize the city manager to award such contracts not exceeding an amount to be determined by the council and subject to such regulations as the council may prescribe. Every contract for public improvements of more than \$30,000 shall be awarded to the lowest and best responsible bidder after such notice and opportunity for competitive bidding as the council may prescribe. All bids may be rejected and further notice and opportunity for competitive bidding may be given.

Section 19 Personal interest. Neither the mayor, any councilmember, nor the city manager shall sell or barter anything to the City or to a contractor supplying the City; or purchase anything from the City other than those things which the City offers generally to the public (for example, utility services), and then only on the same terms as are offered to the public; unless an invitation to submit sealed bids is published and the City accepts the sealed bid which is most advantageous to the City; provided that such sale, contract, or purchase of not more than \$500 in value may be made without bids at prices or rates prevailing in the community and without discrimination. Any such officer violating this section, upon conviction thereof, shall thereby forfeit the person's office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the city manager or the council.

Section 20 Claims for injuries. Repealed by Ordinance Number 780, effective November 9, 1985; election held October 7, 1986; repeal ratified October 14, 1986.

Section 21 Independent annual audit. The council shall designate a certified public accountant or accountants who shall make an independent audit of the accounts and evidences of financial transactions of the finance department and of all other departments, offices, and agencies keeping separate or subordinate accounts or making, financial transactions as of the end of every fiscal year, at least, and who shall report to the council and to the city manager within four months. In lieu of the above, the council may arrange with an appropriate state authority for such an audit when and if permitted by law.

ARTICLE VI

BORROWING

Section

- 1 General obligation bonds, etc.
- 2 Borrowing to meet appropriations
- 3 Revenue bonds, etc.
- 4 Use of unexpended and unencumbered balances
- 5 Voiding authorization of bonds, etc.
- 6 Council to have power to regulate

Section 1 General obligation bonds, etc. The City shall have power to borrow money and to issue its general obligation bonds or other such evidences of indebtedness therefor, but only when authorized by the council for capital improvements and ratified at an election by a majority of those qualified to vote and voting on the question. General-obligation evidences of indebtedness may also be secured by revenues from a revenue-producing utility or enterprise when they are issued for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement, and/or by other designated funds or revenues specifically pledged for payment of principal and interest thereon. Capital improvements as used hereinabove may also include a part or all of the City's share of the cost of a public improvement of which a part is to be paid by benefitted property. Construction warrants may be issued following bond issue approval and pending sale of the bonds.

The restrictions of this section do not apply to borrowing money to meet appropriations for a particular fiscal year, nor to indebtedness to be paid from special assessments to be made on benefitted property, nor to refunding indebtedness.

Section 2 Borrowing to meet appropriations. The City shall have power to borrow money to meet appropriations for any fiscal year in anticipation of the collection of revenues for that year when authorized by the council and without submitting the question to the voters. The total of such indebtedness shall never exceed twenty-five (25) percent of anticipated revenues of that year. All debts so contracted shall be paid before the end of the next fiscal year.

Section 3 Revenue bonds, etc. The City shall have power to borrow money and to issue revenue bonds or other such evidences of indebtedness therefore, the principal and interest of which are payable solely out of and the only security of which is the revenue of a revenue-producing utility or enterprise; but only when authorized by the

council for the acquisition, construction, reconstruction, repair, improvement, extension, enlargement, and/or equipment of the said utility or enterprise and ratified at an election by a majority of those qualified to vote and voting on the question, so long as voter approval is required by state law. Construction warrants may be issued following the ratification of a bond issue under this section and pending sale of the bonds.

Section 4 Use of unexpended and unencumbered balances. Every bond or other evidence of indebtedness shall contain a statement of the purpose for which it is issued, and the proceeds thereof shall not be used for any other purpose, except that whenever any proceeds of an issue remain unexpended and unencumbered for the purpose for which issued, the council shall authorize the use of such unexpended and unencumbered funds only for the following purposes which are listed in descending order of priority:

- (1) For the retirement of such issue;
- (2) If such issue has been fully retired, then for the retirement of other bonds or obligations of the City; or
- (3) If there are no other bonds or obligations of the City outstanding, then for any purpose determined by the council.

Section 5 Voiding authorization of bonds, etc. The council, by resolution or ordinance, may void the authorization of any unsold bonds or other evidences of indebtedness at any time. If any bonds or other evidences of indebtedness are not sold within ten years after authorization, such authorization shall be void as to the bonds or evidences of indebtedness which remain unsold. Nothing in this section shall be deemed to require the sale, at the same time, nor in the same series, of all bonds or other evidences of indebtedness authorized.

Section 6 Council to have power to regulate. The council shall have power to regulate the indebtedness of the City and the issuance of bonds and other evidences of indebtedness, regardless of type or purpose, including general obligation, revenue, special assessment, refunding, and others, subject only to the limitations imposed by the state constitution and law and this charter.

ARTICLE VII

LOCAL PUBLIC IMPROVEMENTS

Section

- 1 City may make public improvements--how cost may be paid
- 2 Local improvement procedure
- 3 Special assessment to be in proportion to benefit--apportioning
- 4 Protests
- 5 Limitations on suits and actions
- 6 Lien for special assessments
- 7 All real property liable for special assessments

Section 1 City may make public improvements--how cost may be paid. The City shall have the power to make public improvements, including local improvements, within the City and to the extent authorized by law, ordinance, or this charter, outside the City. The cost of a public improvement may be paid wholly by the City, or partly by the City and partly by benefitted property, or wholly by benefitted property as the council may determine. Said cost or part thereof to be borne by benefitted property may be assessed by special assessment upon the benefitted property.

Section 2 Local improvement procedure. The council may begin procedure for local improvements either on its own initiative or upon receipt of a petition. The council shall prescribe by ordinance complete special assessment procedure, including re-assessment procedure, for local improvements and for agreements for furnishing public improvements and the extension thereof in lieu of assessment.

Section 3 Special assessment to be in proportion to benefit--apportioning. Any special assessment for local improvements against property benefitted thereby shall be in proportion to, and shall not exceed, the value of the benefit from the local improvement. The council shall establish the method of apportioning and assessing the cost of such improvements upon benefitted property.

Section 4 Protests. If protests as to the necessity for any local improvement are made by the owners of benefitted property which will bear fifty (50) percent or more of the estimated cost of the improvement, the improvement shall not proceed until the protests have been reduced so that the property of those still protesting shall not bear fifty (50) percent of the said estimated cost of the improvement except upon approval of the council by a vote of at least five members.

Section 5 Limitations on suits and actions. No special assessment procedure shall be contested by any action at law or in equity unless commenced within sixty days after the confirmation of the special assessment roll therefor. If no such action be so commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete.

Section 6 Lien for special assessment. The City shall have a first lien upon all real property against which special assessments are assessed, for the special assessments and any collection charges, penalties, and interest which may accumulate thereto; and the lien shall be of the same character, effect, and duration and shall be enforceable in the same manner as the lien for city taxes.

Section 7 All real property liable for special assessments. All real property, including such as is exempt from taxation in accordance with law shall be liable for the cost of local improvements assessed in accordance with this article unless specifically exempted from special assessments by law.

ARTICLE VIII
PUBLIC UTILITY SERVICES

Section

- 1 General powers respecting municipal utilities**
- 2 Rates**
- 3 Collection of municipal utility rates and charges**
- 4 Disposal of municipal utility plants and utility property**
- 5 Franchise--defined--granting**
- 6 Franchise--terms and conditions**
- 7 Franchise--sale or assignment**

Section 1 General powers respecting municipal utilities. The City shall have all the powers not prohibited by law to acquire, own, operate, and regulate public utilities, whether within or beyond its corporate limits, and may also sell utility services beyond its corporate limits.

Section 2 Rates. (1) The council may provide by ordinance for the establishment of utilities and provide for their regulation, promotion, control, and the fixing of the rates to be charged, which must be sufficient to return to the City a reasonable profit after taxes.

(2) In furnishing service from municipally-owned utilities no agreements shall be made for services outside of the City which will return to the City less net revenues than it realizes from the same services within the City. Increased rates for utility service outside of the City may be established by the council.

(3) Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with generally accepted accounting practices. An annual report shall be prepared to show the financial position of each city utility and the results of its operation. Such reports shall be available for inspection at the offices of the city clerk.

Section 3 Collection of municipal utility rates and charges. The council shall provide in the code for the collection of rates and charges for public utility services furnished by the City. When any person fails or refuses to pay to the City any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

Section 4 Disposal of municipal utility plants and utility property. The council may sell, lease, or otherwise dispose of a municipal utility or of property and interest in property used in the operation of a utility only after a proposition to do so is approved by three-fifths of the City voting on the proposition.

Section 5 Franchise--defined--granting. A franchise is a contract between the City and a person providing for the person to furnish a public utility service to the City and its inhabitants and permitting the person to use the streets, alleys, bridges, easements, and other public places of the City in the furnishing of the public utility service.

A franchise may be granted to a person, extended, renewed, or amended only by an ordinance accepted as provided hereinbelow by the person to whom the franchise is granted, passed by the council, and approved at an election by a majority of the qualified voters voting on the question. After introduction, a copy of the ordinance in its final form must be in the office of the city clerk and subject to public inspection for at least one month before it is passed. Before passage, the council shall hold a public hearing thereon, a notice of which must have been published at least one week prior to the hearing.

Also, before passage, the applicant must file with the city clerk an unconditional acceptance of all terms of the franchise, and if a special election is to be held for the purpose, must pay to the finance department of the City an amount of money estimated by the city clerk to be adequate to pay all expenses of holding such election. If any balance remains after all such expenses have been paid, it shall be repaid to the grantee.

Section 6 Franchise--terms and conditions. No franchise shall be granted by the City for a term exceeding twenty years, and every franchise shall contain a provision requiring the franchise to take effect within one year after the voters approve the ordinance granting it. Franchises may include provisions for fixing utility rates and charges and may provide for readjustments thereof; but the terms of a franchise shall not limit the power of the City to regulate such rates and charges. With respect to any franchise granted after this charter goes into effect, whether or not provided in the franchise, the City may:

(1) Terminate the franchise for violation of any of its provisions, for the miss-use or non-use thereof, or for the violation of any regulation imposed by this charter or by ordinance;

(2) Require proper and reasonable extension of plant and facilities and the maintenance thereof at the highest practicable standard of efficiency;

(3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service and rates;

(4) Require continuous and uninterrupted service to the public in accordance with

the terms of the franchise throughout the entire period thereof;

(5) Impose other regulations determined by the council to be conducive to the health, safety, welfare, or convenience of the public;

(6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements, and other public places by the City and by other public utilities insofar as such joint use may be reasonably practicable, and upon payment of reasonable rental therefor; and in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(7) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, easements, and other public places that arises from its use thereof and to protect and save the City harmless from all damages arising from such use; and

(8) Require the public utility to file with any designated city officer or officers reports concerning the utility and its financial operation and status and such drawings and maps of the proposed location or locations and nature of its facilities as the council may request; and require the public utility to permit designated city officers to inspect its books and other records.

Section 7 Franchise--sale or assignment. The grantee of a franchise may not sell, assign, sublet, or allow another to use the same unless the council gives its consent. Nothing in this section shall limit the right of the grantee to mortgage this property or franchise, nor shall it restrict the rights of the purchaser, upon foreclosure sale, to operate the same; but such mortgagee or purchaser shall be subject to the terms of the franchise, the provisions of this charter, and the ordinances of the City.

ARTICLE IX

MUNICIPAL COURT

Section

- 1 District magistrate court--municipal court
- 2 Minor violations bureau
- 3 Repealed
- 4 Pardons, paroles, and commutations

Section 1 District magistrate court--municipal court. The district magistrate court now authorized by law to hear and determine cases arising out of violations of city ordinances, or any other court which may hereafter be so authorized by law, shall have jurisdiction to hear and determine cases arising out of violations of this charter and of the ordinances of the City unless the council by ordinance creates a municipal court and vests such jurisdiction in it not prohibited by state law. Unless otherwise indicated by the context, the term municipal court and municipal judge may also be used respectively in referring to the said district magistrate court and district magistrate or other courts and judges having said jurisdiction.

Section 2 Minor violations bureau. The council, by ordinance, may create a minor violations bureau with authority to dispose of cases arising out of designated minor violations of ordinances, such as minor traffic and parking violations, when the accused waives the right to be heard in court, pleads guilty, and pays fines and costs.

Section 3 Penalties. Repealed by Ord. 693, effective October 8, 1983; election held October 2, 1984; repeal ratified October 10, 1984.

Section 4 Pardons, paroles, and commutations. The mayor shall have power to pardon or to parole any person convicted of a violation of this charter or of any ordinance, and to commute sentences therefor. The council shall have power to regulate and to limit the power granted by this section.

ARTICLE X

ELECTIONS

Section

- 1 Annual elections--time
- 2 Three-year terms--elections at large--nonpartisan elections
- 3 Filing
- 4 Voting--who elected
- 5 Filling vacancies at elections
- 6 Council to be judge of election and qualifications of its members
- 7 Qualified voter defined
- 8 Political activity of officers and employees
- 9 Calling special elections--questions submitted at elections --notice
- 10 Canvassing returns--certificates of election
- 11 Laws to govern election--when

Section 1 Annual elections--time. There shall be no primary election, but only a general election, herein also called regular election, for the election of the mayor and councilmembers. Such election shall be held on the first Tuesday in October every year.

Section 2 Three-year-terms--elections at large--nonpartisan elections. The mayor and councilmembers shall be elected for terms of two and three years, respectively, and shall serve thereafter until their respective successors are elected and qualify; provided that, if fewer councilmembers are elected and qualify in any year than provided for in this section (because of failure of other candidates to file or for other cause), then lots shall be cast in a meeting of the council and under its direction to determine which of the councilmembers whose terms are about to expire shall continue to serve.

The terms of office of the mayor and councilmembers shall begin on the first Tuesday after their election. If the mayor-elect or a councilmember-elect fails to qualify within one month after the beginning of the term, the candidate's election shall be void.

The mayor and councilmembers shall be elected at large by the qualified voters of the entire City by secret ballot. The election shall be nonpartisan and no party designation or emblem shall be placed on the ballot.

Section 3 Filing. The name of any qualified person may be placed on the ballot for

the election as a candidate for mayor or councilmember by filing a petition with the city clerk, signed by at least ten qualified voters of the City of Kodiak and a sworn statement of the person's candidacy at least thirty days prior to the election. The petition may have been circulated and filed by the candidate or by one or more qualified voters other than the candidate. (Res. 14-73, August 23, 1973; election held October 2, 1973; passage ratified October 8, 1973)

Section 4 Voting--who elected. Every qualified voter of the City shall be entitled to vote for one candidate for each office to be filled at an election. On the ballots, between the title of the office and the names of the candidates shall be placed the instructions "Vote for ...(one, two, three)" as the case may be. A voter may also write in the name of, and vote for, a person whose name does not appear on the ballot. The candidate for mayor receiving the greatest number of votes shall be elected. The two or three candidates for councilmember, depending on the number to be elected, receiving the greatest number of votes shall be elected. In case of a tie, the election shall be determined fairly, by lot, from among the candidates tying, in a meeting of the council and under its direction.

Section 5 Filling vacancies at elections. When a mayor and/or councilmember or councilmembers are being elected to fill a vacancy or vacancies for the unexpired term or terms, the provisions of this article shall apply as in the election of a mayor and councilmembers for regular terms insofar as applicable. The phrase "for one-year terms," "for two-year term," and/or "for regular three-year term," as the case may be, shall be placed after the titles of the offices on the ballots as necessary to identify the places on the council being filled at such election.

Section 6 Council to be judge of election and qualifications of its members. The council shall be the judge of the election and qualifications of its own members and the mayor, subject to judicial review as may be provided by law.

Section 7 Qualified voter defined. Every qualified voter, as defined in Article V of the Alaska Constitution, who resides within this City shall be entitled to vote in any election and on any city question thereat; provided that only persons whose names appear on the tax rolls of the City shall be entitled to vote on questions of the borrowing of money by the City when the principal and interest on such borrowed money is to be paid or secured by taxes or by special assessment levied against property.

Section 8 Political activity of officers and employees. No officer of the City except the mayor or councilmembers may work for or against, or attempt to influence the election or defeat of any candidate for mayor or councilmember or the recall of the mayor or any councilmember; provided that this shall not prohibit the ordinary exercise of one's right to express opinions and to vote. Any person who violates this section shall be punished, upon conviction thereof, by a fine not exceeding fifty dollars and costs. Such violation shall constitute cause for removal from office or employment; and if the regular removal authority has not already removed a person who violates this section, the person shall be automatically removed by said conviction of violating this section.

Section 9 Calling special elections--questions submitted at elections--notice. The council, by resolution or ordinance, may call or may authorize the mayor to call special elections and submit questions thereat. In the same manner, other questions may be submitted to the voters at a special election or at a regular election. Questions may also be submitted at elections as provided in other sections of this charter. The city clerk shall publish in full every charter amendment and every ordinance and every other question which is to be submitted to the voters at an election for approval or enactment, except a referred ordinance which was published in full after passage not more than six weeks and at least three weeks before the election at which it is to be submitted.

Section 10 Canvassing returns--certificate of election. The council shall canvass the returns of all city elections, regular and special, and shall ascertain and declare the results thereof; provided that the council may delegate this function to a board created by ordinance. The city clerk shall promptly prepare, sign, and issue certificates of election, sealed with the seal of the City, to all persons elected to office.

Section 11 Laws to govern election--when. The provisions of law applicable to city elections shall govern elections of the City insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

Section

- 1 Initiative and referendum--authorized--exceptions
- 2 Petitions
- 3 Ballot title and proposition--submission
- 4 Vote required--effect
- 5 Charter provisions self-executing--further regulation by ordinance
- 6 Recall

Section 1 Initiative and referendum--authorized--exceptions. The qualified voters of the City, by the initiative, may propose and enact any ordinance which the council has power to enact under this charter except as otherwise provided in this section. The qualified voters of the City, by the referendum, may approve or reject any ordinance passed by the council except as otherwise provided in this section.

Ordinances dedicating revenues; ordinances making, repealing, transferring, or otherwise changing appropriations; ordinances creating courts, defining the jurisdiction of courts, or prescribing their rules; and special ordinances shall not be subject to either the initiative or the referendum. Ordinances granting, extending, or renewing franchises for public utilities shall not be subject to the initiative. Ordinances necessary for the immediate preservation of the public peace, health, or safety (herein called emergency ordinances), shall not be subject to the referendum.

Section 2 Petitions. An initiative petition or a referendum petition shall contain a copy or summary of the ordinance initiated or sought to be referred; provided that, if a summary only is included in an initiative petition, at least three copies of the proposed ordinance shall be filed in the city clerk's office and shall be open to public inspection. A copy of the petition shall be filed with the city clerk before copies are circulated for signatures. The petition shall then be signed by a number of qualified voters of the City equal to at least twenty-five percent of the total votes cast at the immediately preceding regular city election. An initiative petition with sufficient signatures must be filed within one month after the copy was originally filed as hereinabove provided. A referendum petition with sufficient signatures must be filed within one month after passage and publication of the ordinance sought to be referred. When a referendum petition with signatures is thus filed, the ordinance sought to be referred shall not go into effect until the petition is finally found to be illegal and/or insufficient, or, in case the petition is found to be legal and sufficient, until the voters approve the ordinance as provided below in this article. Each copy of an initiative or

a referendum petition filed must bear an affidavit signed by the qualified voter who circulated the copy stating that each of the signers who signed the copy signed it in the circulating voter's presence, that the circulating voter believes that each has stated the signer's name and address correctly, and that the circulating voter believes each signer is a qualified voter of the City. Within one month after the petition is filed, the city clerk, with such assistance from the city attorney as the clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures and shall certify these findings. The city clerk's finding shall be subject to judicial review.

Section 3 Ballot title and proposition--submission. If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the city clerk, with such assistance from the city attorney as the clerk deems necessary, shall prepare the ballot title and proposition for the ordinance. The city clerk shall place the question on the ballot for the next regular or special city election held not less than two months after final determination of the legality and sufficiency of the petition. The council, by resolution or ordinance, may call, or authorize the mayor by proclamation to call, a special election for the purpose. If, in the case of an initiative petition, the council, at least one month before the election, enacts an ordinance substantially the same as the one in the petition, the petition shall be void.

Section 4 Vote required--effect. If a majority of the votes cast on the proposition favor the enactment of an initiated ordinance, it shall be enacted; provided that, if the proposition is submitted at a special election, the number of votes cast at the election must be at least fifty (50) percent of the number of the votes cast at the last regular municipal election. If at least as many votes are cast against it, it shall be approved and go into effect; otherwise it shall be rejected. The council may not, within two years after the election, repeal an initiated ordinance which has been enacted, but may at any time pass a non-emergency ordinance amending it by the same vote required for the passage of an emergency ordinance. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.

Section 5 Charter provisions self-executing--further regulation by ordinance. The provisions of this charter relating to the initiative and referendum shall be self-executing, but the council, by ordinance, may further regulate the procedures for the initiative and referendum.

Section 6 Recall. All incumbents of elective office of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the

qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the state constitution or law.

ARTICLE XII**INTERGOVERNMENTAL RELATIONS****Section**

- 1 Cooperation with other units of government--transfer of powers and functions**
- 2 Repealed**

Section 1 Cooperation with other units of government--transfer of powers and functions. Agreements, including those for cooperative or joint administration of any function or power, may be made by the council with any other local government, with the State, or with the United States unless otherwise provided by law or by this charter. The council may transfer to the borough in which this City is located any of the City's powers and functions unless prohibited by law or this charter and may, in a like manner revoke the transfer. Such agreement for cooperative or joint administration of any function or power, or such transfer of any power or function to the borough, or the revocation of any such transfer shall be made only by a non-emergency ordinance or by authority of such ordinance. The ordinance shall be published in full within ten days after its passage and shall be subject to referendum procedures as provided in this charter if a legal and sufficient referendum petition is properly filed. Procedures for making contracts prescribed in any other sections of this charter shall not apply to agreements made pursuant to this section.

Section 2 Representatives on borough assembly. Repealed by Ord. 694, effective October 8, 1983; election held October 2, 1984; repeal ratified October 10, 1984.

ARTICLE XIII

AMENDMENT AND SEPARABILITY OF CHARTER

Section

- 1 Amendment of charter--proposal, approval
- 2 Separability clause

Section 1 Amendment of charter--proposal, approval. Proposals to amend this charter may be made in either of the following ways:

(1) The qualified voters of the City, by initiative petition, may initiate amendments to this charter in the same manner, as nearly as may be, as they may initiate ordinances; or

(2) The council, by resolution or ordinance, may propose and submit or provide for the submission of charter amendments to the qualified voters of the City. A charter amendment initiated by petition of the qualified voters shall be submitted to the qualified voters at a regular or special election in the same manner as an initiated ordinance and subject to the same regulations as nearly as may be. A charter amendment proposed by the council may be submitted to the qualified voters of the City at any regular or special election held not less than two months after passage of the said resolution or ordinance. Any amendment thus submitted to the qualified voters shall become effective upon approval by a majority of the qualified voters who vote on the question. If more than one amendment should be proposed, all of them except those which are so interrelated that they should be approved or rejected together, shall be submitted in such manner that the voters may vote on them separately. A copy or copies of every charter amendment approved by the qualified voters shall be filed as may be required by law. A new Charter may be proposed and approved in lieu of this charter in the same manner as an amendment to this charter may be proposed and approved.

It is hereby recognized that the manner of adoption, amendment, and repeal of home-rule charters may be regulated by law; and any binding provision of the State constitution or law regulating such manner shall prevail over any conflicting provision of this charter or of any ordinance.

Section 2 Separability clause. If a court of competent jurisdiction should hold any section or part of this charter invalid, such holding shall not affect the remainder of this charter nor the context in which such section or part so held invalid may appear, except to the extent that another part of the charter may be inseparably connected in meaning and effect with that section or part.

If a court of competent jurisdiction holds a part of this charter invalid, or if a change

in the State constitution or law renders a part of this charter invalid or inapplicable, the council, by ordinance, may take such appropriate action as will enable the city government to function properly.

ARTICLE XIV
SUCCESSION IN GOVERNMENT

Section

- 1 Charter--when in effect**
- 2 Officers and employees to continue**
- 3 Ordinances continued**
- 4 Pending actions and proceedings**

Section 1 Charter--when in effect. This charter shall go into effect upon approval by an affirmative vote of a majority of the qualified voters who vote on the question of approval, and the government provided by it shall be deemed a continuation of the government existing previously under law.

Section 2 Officers and employees to continue. The incumbents of the offices of mayor, councilmembers, city manager, city clerk-treasurer, and all other offices and positions of employment (including members of boards and commissions), under the statutory government of this City at the time this charter goes into effect, shall continue in their respective offices and positions of employment under this charter until their respective terms expire or until their services are terminated in accordance with the provisions of this charter and ordinances relating to the creation, change, and abolition of offices and removal of officers and employees, as the case may be. The compensation of all officers and employees shall continue at the same rates after this charter goes into effect until changed in accordance with this charter.

Section 3 Ordinances continued. All ordinances, insofar as they are not inconsistent with this charter, shall continue in effect until they are repealed or until they expire by their own limitations.


Section 4 Pending actions and proceedings. The adoption of this charter shall not abate or otherwise affect any action or proceedings, civil or criminal, pending when it takes effect, brought by or against the municipality or any office, department, agency, or officer thereof.

CERTIFICATE

We, the undersigned members of the Charter Commission of the City of Kodiak, Alaska, duly elected in accordance with Chapter 196 of the 1959 Session laws of the State of Alaska, acting as said Charter Commission, and having elected Leon H. Johnson, Chairman; Peter Ramaglia, Vice Chairman; and Robert L. Hall, Secretary of said Charter Commission, state that the said Charter Commission has prepared the above Charter of the City of Kodiak, Alaska, and do hereby approve and propose the said Charter, and direct that it be filed in the office of the City Clerk of the said City; and further direct that this Charter of the City of Kodiak, Alaska, shall be submitted to the qualified voters of the City of Kodiak, Alaska, at a special election which shall be held on Tuesday, March 16, 1965, for ratification or rejection in accordance with law.

In witness whereof, we hereunto subscribe our names, on this 9th day February, 1965, in the City of Kodiak, Alaska.


LEON H. JOHNSON


ROY MADSEN


PETER RAMAGLIA


WALTER O. KRAFT


ROBERT L. HALL


EMIL NORTON


IVOR A. SCHOTT



THOMAS FROST, JR.


HAROLD J. HEGLIN

ATTEST:


ROBERT L. HALL, Secretary

Filed in the office of the City Clerk of the City of Kodiak, Alaska, February 9, 1965.


R.A. SWANSON, City Clerk/Treasurer

Resolution Number 35-64, approved December 22, 1964, provided for an election to approve election of a Charter Commission. The election was held February 2, 1965, and approved by the voters.

Resolution Number 10-65, approved February 11, 1965, provided for an election March 16, 1965, to adopt or reject the Charter prepared by the Charter Commission. The Charter was ratified by the voters at the March 16, 1965 election.